

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

(1) SHELLIE MOORE,)	
)	
Plaintiff,)	
)	
v.)	No. 14-CV-00549-KEW
)	
(1) AAA FIRE & CASUALTY)	
INSURANCE COMPANY,)	
)	
Defendants.)	

NOTICE OF REMOVAL

The Petitioner, AAA Fire & Casualty Insurance Company ("AAA"), Defendant in the above-captioned case, states the following:

1. AAA is the Defendant in the above-entitled cause.
2. The above-entitled cause was commenced in the District Court of Murray County, entitled *Shellie Moore v. AAA Fire & Casualty Insurance Company, AAA Oklahoma Insurance Agency, Frontier Adjusters, Inc., f/k/a Frontier Adjusters of Ada/Ardmore, Inc. and Jesse Jay Duckworth*, Case No. CJ-2014-48. Process was served upon the AAA by serving the Oklahoma Insurance Commissioner by certified mail on or about October 10, 2014. A copy of Plaintiff's Petition setting forth the claim for relief upon which the action is based is attached hereto and marked Exhibit "1". A copy of the Summons served upon Defendant is attached hereto and marked Exhibit "2".
3. Plaintiff has alleged AAA is a foreign corporation. AAA's principal place of business is in a state other than Oklahoma, and it is incorporated in Indiana. Plaintiff's causes of action against AAA are for breach of contract, breach of the duty of good faith and fair dealing, and alleged violations of Oklahoma's Consumer Protection Act. By Order dated December 10, 2014, the Judge of the District Court in and for Murray County dismissed Plaintiff's cause of action for breach of

Oklahoma's Consumer Protection Act without prejudice.

4. On November 10, 2014, Plaintiff filed a dismissal without prejudice as to non-diverse Defendants AAA Oklahoma Insurance Agency, Frontier Adjusters, Inc. F/K/A Frontier Adjusters of Ada/Ardmore, Inc., and Jesse Jay Duckworth. (See Dismissal Without Prejudice, attached as Exhibit "17").

5. Plaintiff's Petition requests actual and punitive damages in excess of \$10,000.00. However, on December 11, 2014, counsel for the Plaintiff J. Drew Houghton confirmed for the first time that Plaintiff is seeking in excess of the amount required for diversity jurisdiction pursuant to Section 1332 of Title 28 of the United States Code. (See Letter from Andrew Jayne to J. Drew Houghton, dated December 11, 2014, attached as Exhibit "20")

6. After the dismissal of the non-diverse and confirmation by Plaintiff's counsel that Plaintiff is seeking more than \$75,000.00 in this lawsuit, this Court has original jurisdiction over this case pursuant to 28 U.S.C. § 1332 (1992), by reason of the fact that this is a civil action wherein the amount in controversy, according to Plaintiff's demands, exceeds \$75,000.00, exclusive of interest and costs, and it is between citizens of different states. Accordingly, this action may be removed by Defendant pursuant to 28 U.S.C. § 1441(a).

7. This Notice of Removal is filed in this Court within thirty (30) days after December 11, 2014, the date when this Defendant first had notice that Plaintiff was seeking in excess of \$75,000.00.

8. Copies of all process, pleadings, and Orders served upon Defendant AAA have been attached hereto as follows:

Exhibit 1 - Petition

Exhibit 2 - Summons issued to Defendant AAA Oklahoma Insurance Agency

Exhibit 3 - Summons issued to Defendant Jesse Jay Duckworth

- Exhibit 4 - Alias Summons issued to AAA Fire & Casualty Insurance Company
- Exhibit 5 - Entry of Appearance
- Exhibit 6 - Defendants Frontier Adjusters, Inc. and Jesse J. Duckworth's Special Reservation of Additional Time to Answer or Otherwise Plead
- Exhibit 7 - Notice of Hearing
- Exhibit 8 - Defendant Club Services Corporation d/b/a AAA Oklahoma Insurance Agency's Motion to Dismiss for Failure to State a Claim and Brief in Support
- Exhibit 9 - Plaintiff's Response to Defendant, Club Services Corporation d/b/a AAA Oklahoma Insurance Agency's Motion to Dismiss for Failure to State a Claim and Brief in Support
- Exhibit 10 - Defendants Duckworth Adjusting, Inc. and Jesse Jay Duckworth's Motion to Dismiss for Failure to State a Claim and Brief in Support
- Exhibit 11 - Defendant's Answer to Plaintiff's Petition
- Exhibit 12 - Defendant, AAA Fire & Casualty Insurance Company's Motion to Dismiss
- Exhibit 13 - Court Order dated October 30, 2014
- Exhibit 14 - Plaintiff's Response to Defendant AAA Fire & Casualty Insurance Company's Motion to Dismiss
- Exhibit 15 - Defendant Agency's Reply to Plaintiff's Response to Defendant Agency's Motion to Dismiss for Failure to State a Claim and Brief in Support
- Exhibit 16 - Return of Service - AAA Fire & Casualty Insurance Company
- Exhibit 17 - Dismissal Without Prejudice
- Exhibit 18 - Court Order dated December 10, 2014

Pursuant to LcvR 81.2, a copy of the state court docket sheet is attached as Exhibit 19.

WHEREFORE, Defendant, AAA Fire & Casualty Insurance Company, prays that this action be removed.

Dated this 16th day of December, 2014.

Respectfully submitted,

**ATKINSON, HASKINS, NELLIS,
BRITTINGHAM, GLADD & FIASCO**

A PROFESSIONAL CORPORATION

/s/ Andrew C. Jayne

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CERTIFICATE OF SERVICE

I hereby certify that on December 16th, 2014, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

J. Drew Houghton
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